

Remarks

Claims 37-64 were pending. By this amendment claim 65 is added. No claims are cancelled. Therefore, claims 37-65 are now pending.

Support for the claim amendments can be found throughout the specification, for example:

Claims 37-40: page 16, lines 7-10 and Example 1 (starting on page 16).

Claim 45: amended to correct antecedent basis.

Claim 65: page 3, lines 16-26 and Example 1 (starting on page 16).

The specification was amended to correct obvious typographical errors.

No new matter is added by this amendment, and no amendments were made to distinguish prior art.

In response to the Restriction Requirement mailed October 11, 2006, Applicants elect Group I (claims 37-39 and 46-56) directed to peptides and compositions containing peptides, with traverse. Applicants also elect the mutant beta2 microglobulin fusion protein and the B7.2 molecule (see claim 65) as the species, with traverse. Applicants thank Examiner Schwadron for his voice mail on November 9, 2006 indicating that it would be acceptable to elect B7.2 as a species, instead of those molecules listed in claims 50 and 51.

Applicants assert that it would not require an undue burden on the Office to search several of the six claim groups in a single application. Applicants have elected Group I, directed to peptides and compositions including peptides. For example, if the Office finds that the claims of Group I are novel and non-obvious, then methods of using the peptides, for example for treatment (such as the claims of Groups III-VI), are also novel and non-obvious. Therefore, no additional search would be needed. For example, to determine if the claimed peptides and compositions are novel (Group I), the Office will have to search art related to the use of the claimed peptides and compositions (Groups III-VI). Therefore, Applicants request that Groups III-VI be recombined with elected Group I.

Applicants have elected the co-stimulatory protein B7.2 as the species (as an alternative to electing one of the molecules listed in claim 50 or 51). Upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. § 1.141.

In the Notice of Non-Compliant Amendment dated January 22, 2007, the Examiner indicated that all claims directed to non-elected subject matter should be identified as "Withdrawn." Applicants respectfully point out that Applicants are not required to identify non-elected claims as "Withdrawn" in response to a Restriction Requirement. In fact, only an Examiner is able to withdraw claims. MPEP §821 states, "All claims that the examiner holds as not being directed to the elected subject matter are withdrawn from further consideration **by the examiner** in accordance with 37 C.F.R. §1.142(b)" (emphasis added). Applicants assume the Examiner has now deemed all claims directed to non-elected subject matter as withdrawn. Therefore, in response to the Notice of Non-Compliant Amendment, Applicants have identified all claims of the non-elected groups (claims 40-45 and 57-64) as either "Withdrawn" or "Withdrawn and Currently Amended." Furthermore, since claims 50 and 51 are directed to non-elected species, these claims also are identified herein as "Withdrawn."

Should there be any additional questions regarding this application, the Examiner is invited to contact the undersigned attorney at the telephone number shown below.

Respectfully submitted,

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